

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
ANDREA ROSSBACH,
:

Plaintiff,
:

19cv5758 (DLC)

-v-
:

ORDER
:

MONTEFIORE MEDICAL CENTER, NORMAN
MORALES, and PATRICIA VEINTEMILLA,
:

Defendants.
:
:
----- X

DENISE COTE, District Judge:

On April 16, 2021, Plaintiff Andrea Rossbach filed on ECF a motion to file under seal a rebuttal expert report and related documents. The documents are related to the defendants' request for permission to move for dismissal and for sanctions based on their allegation that certain documentary evidence produced by Rossbach during this action had been fabricated. Rossbach also submitted the documents to these Chambers via email. Rossbach's motion to file under seal does not specify a basis for sealing the documents.

The First Amendment accords a strong presumption of public access to pleadings and other judicial documents that "have historically been open to the press and general public" and "play[] a significant positive role in the functioning of the particular process." Bernstein v. Bernstein Litowitz Berger &

Grossmann LLP, 814 F.3d 132, 141 (2d Cir. 2016). See also Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 124 (2d Cir. 2006). The Second Circuit has held that this presumption of public access applies to “pretrial motions and written documents submitted in connection with them.” Newsday LLC v. County of Nassau, 730 F.3d 156, 164 (2d Cir. 2013) (citation omitted). The First Amendment “requires a court to make specific, rigorous findings before sealing the document or otherwise denying public access.” Bernstein, 814 F.3d at 141 (citation omitted). “[T]he presumptive right of access prevails unless it is overcome by specific, on-the-record findings that sealing is necessary to preserve higher values and only if the sealing order is narrowly tailored to achieve that aim.” Newsday, 730 F.3d at 165 (citation omitted). Accordingly, when making requests to redact or seal material, a party must include in a publicly filed letter any proposed findings that support the request.


Additionally, any request to seal or redact a filing must be made in a manner that complies with the Southern District of New York's ECF Rules and Instructions, section 6, as well as this Court's Individual Practices in Civil Cases, section 8. Where a party seeks permission to file a document under seal, the proposed sealed document must be contemporaneously filed

under seal on ECF and electronically related to the motion to seal. Accordingly, it is hereby

ORDERED that Rossbach shall by **April 20 at 12:00 pm** re-submit her motion to file the documents under seal. The request shall be made in a manner that is compliant with the Southern District of New York ECF Rules and Instructions and this Court's Individual Practices. The request shall also include proposed findings that support the request.

SO ORDERED:

Dated: New York, New York
April 19, 2021



DENISE COTE
United States District Judge